

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAYTON LASINSKI,

Plaintiff,

v.

STEPHEN LINFOOT, et al.,

Defendant(s).

Case No. [18-cv-00229-CRB](#) (PR)

**ORDER STAYING ACTION AND
ADMINISTRATIVELY CLOSING
CASE**

(ECF No. 25)

Plaintiff, an inmate at the Humboldt County Correctional Facility in Eureka, California, filed a pro se civil rights complaint for damages under 42 U.S.C. § 1983 alleging that on December 6, 2016 officers of the Eureka Police Department used excessive force when they shot him multiple times while effectuating his arrest.

On April 20, 2018, the court (Lloyd, M.J.) found that, liberally construed, plaintiff's allegations are sufficient to state cognizable claims under § 1983 for use of excessive force in violation of the Fourth Amendment against the named individual police officer defendants, and asked them to waive service and file a dispositive motion within ninety-one days. On June 22, 2018, defendants filed an answer and declination to magistrate judge jurisdiction, and on June 26, 2018, the case was reassigned to the undersigned.

On July 2, 2018, defendants filed a notice of related case and/or pendency of other action or proceedings informing the court that plaintiff is being criminally prosecuted in Humboldt County Superior Court of various offenses arising from the same transaction or event as this civil rights action, including assault with a semi-automatic firearm upon a peace officer, assault with a deadly weapon other than a firearm, and obstruction or interference with an executive officer via threat or violence. On July 19, 2018, defendants filed a motion for an extension of time of one year to provide time for plaintiff's state criminal trial to resolve.


1 Good cause appearing therefor, the instant civil rights action for damages under § 1983 is
2 STAYED pending the outcome of plaintiff's criminal charges in Humboldt County Superior
3 Court. See Keating v. Office of Thrift Supervision, 45 F.3d 322, 324 (9th Cir. 1995) (district court
4 has discretion to stay civil proceedings in face of a parallel criminal proceeding).

5 The clerk is instructed to ADMINISTRATIVELY CLOSE this case. Nothing further will
6 take place in this case until the criminal charges against plaintiff are resolved in state court and,
7 within 30 days thereafter, the parties jointly move to reopen the case and lift the court's stay. The
8 parties are warned that failure to move to reopen the case and lift the court's stay within 30 days of
9 the resolution of plaintiff's criminal charges in state court may result in sanctions.

Defendants' motion for an extension of time (ECF No. 25) is DISMISSED as moot.

10 **IT IS SO ORDERED.**

11 Dated: August 6, 2018

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13 CHARLES R. BREYER
14 United States District Judge
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Case No. 3:18-cv-00229-CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 6, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clayton Lasinski
Humboldt County Correctional Facility
826 4th Street
Eureka, CA 95501-0516

Dated: August 6, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Lashanda Scott, Deputy Clerk to the
Honorable CHARLES R. BREYER